

DECLARATION OF JOHAN GUTIERREZ

I, Johan Gutierrez, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct.

1. I make this declaration based on my own personal knowledge and if called on to testify I could and would do so competently and truthfully to these matters.
2. I am a sole practitioner and run Gutierrez Legal PA firm, an office based in Miami, Florida. I have been practicing immigration law since September 18, 2023.
3. I currently represent Gustavo Adolfo Lopez Hernandez who is currently detained at the facility known as Alligator Alcatraz. Gustavo Adolfo Lopez Hernandez is a national of Colombia. Gustavo Adolfo Lopez Hernandez entered the United States on a valid visa, he is engaged to a U.S. citizen, and he has a pending asylum application. He works as an Uber Eats delivery driver, Moving Assistant. He has no criminal history. Gustavo Adolfo Lopez Hernandez is eligible for release from detention on bond and has a strong bond case.
4. Gustavo Adolfo Lopez Hernandez was taken into custody on July 17, 2025, while making an Uber Eats delivery. He was originally detained at the Pinellas County Jail. While there, despite already having an A-number, ICE gave him a second, new A-number. The state of Florida has not charged Gustavo Adolfo Lopez Hernandez with any civil or criminal violation that would justify his detention by the state. ICE has not yet filed a Notice to Appear for Gustavo Adolfo Lopez Hernandez.
5. On July 21, 2025, I filed a motion for custody redetermination (“bond motion”) on his behalf at the BTC immigration court, as that is the court with jurisdiction over people in ICE detention in Pinellas County. On July 28, 2025, I received confirmation that his motion had been accepted. Gustavo Adolfo Lopez Hernandez’s bond hearing was to take place on July 25, 2025, at 8:00 A.M.
6. After his bond hearing was scheduled, Gustavo Adolfo Lopez Hernandez was transferred to Alligator Alcatraz on Monday, July 21, 2025, at around 10:00 P.M.
7. On July 25, 2025, at 8:00 a.m., I arrived virtually on Gustavo Adolfo Lopez Hernandez’s behalf at the BTC Immigration Court. Gustavo Adolfo Lopez Hernandez was not present at court, either in person or virtually. The judge said that they do not have jurisdiction over individuals detained at Alligator Alcatraz. I asked the judge who does. The judge told me to talk to ICE. I told the judge that I needed to ask opposing counsel about this, as opposing counsel was an ICE attorney. That attorney said they didn't know, and that I should contact Krome.
8. I tried emailing and calling several people to figure out where to refile the bond motion, to no avail.

9. That same day, on July 25, 2025, I emailed an ICE Duty Attorney asking which court has jurisdiction over bond matters for people detained at Alligator Alcatraz. I have not yet gotten a response to this email. (Exh. 1).
10. That same day, on July 25, 2025, I emailed the Krome Immigration Court and the Miami Immigration Court asking which court has jurisdiction over bond matters for people detained at Alligator Alcatraz. I have not yet gotten a response to this email. (Exh. 2).
11. That same day, on July 25, 2025, in an email thread with Miami.Outreach@ice.dhs.org, that officer informed me that "He was transferred to Alligator Alcatraz is why the IJ declined the venue." (Exh. 3).
12. That same day, on July 25, I spoke with an ICE Duty Attorney from Miami on the phone. She told me she would email me the information that I needed. Right after the phone call, she emailed me, "I do not have a specific contact but please reach out to ERO at Krome regarding your client." (Exh. 4).
13. On July 28, 2025, I emailed the Miami Immigration Court asking which court has jurisdiction over bond matters for people detained at Alligator Alcatraz. The Miami Immigration Court's Court Administrator told me that "To schedule a bond hearing, the respondent must be under a known and established DHS/ERO location such as Krome or BTC. The above site [AA] does not fall under either hearing locations, so we are not able to enter and/or schedule a bond at this time. Please reach out to ERO directly for guidance pertaining to your bond request." (Exh. 5).
14. Shortly after this, I realized that the bond motion had not even been "no actioned," and I had to file a motion to get it off the calendar.
15. I would like to file another bond motion or a habeas motion for Gustavo Adolfo Lopez Hernandez, if I can figure out where to file these motions. I have already spent four or five days trying to figure out where to refile his bond motion.
16. I have not been able to speak with Gustavo Adolfo Lopez Hernandez during his detention at Alligator Alcatraz. I have only been able to secure an attorney visit virtually via zoom scheduled for July 29, 2025, due to the attorney access restrictions described in this case. Gustavo Adolfo Lopez Hernandez, however, has confirmed that he would like to participate as a plaintiff and as a class representative in this case via his communications with his fiancé.

Executed this 28th day of July, 2025, at Miami, Florida.



Johan Gutierrez.
(786)663-5415

EXHIBIT 1



Johan Gutierrez <johgutcad@gmail.com>

Lopez Hernandez, Gustavo Adolfo ***135**

1 message

Zhu, Genny X <Genny.X.Zhu@ice.dhs.gov>
To: "johgutcad@gmail.com" <johgutcad@gmail.com>

Fri, Jul 25, 2025 at 1:24 PM

I do not have a specific contact but please reach out to ERO at Krome regarding your client.

Sincerely,

Genny X. Zhu

Assistant Chief Counsel

Office of the Principal Legal Advisor, Miami

U.S. Immigration and Customs Enforcement

(305) 400-6474

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EXHIBIT 2



Johan Gutierrez <johgutcad@gmail.com>

Detainee Jurisdiction

1 message

Johan Gutierrez <johgutcad@gmail.com>

Fri, Jul 25, 2025 at 9:30 AM

To: Krome.Immigration.Court@usdoj.gov, Miami.Immigration.Court@usdoj.gov

Good Morning Officer,

I have a client that is detained in the Alligator Alcatraz Detention Center. I had submitted a bond at BTC but it was rejected due to jurisdiction. Is Krome the Jurisdiction for that detention center? if not, what is?

Thank you.

Johan Gutierrez Esq.
Gutierrez Legal PA
786-663-5415

EXHIBIT 3



Johan Gutierrez <johgutcad@gmail.com>

Proper filing

4 messages

Johan Gutierrez <johgutcad@gmail.com>
To: miami.outreach@ice.dhs.gov

Mon, Jul 21, 2025 at 12:02 PM

Good morning. I tried filling a bond motion for a detainee in pinnelas county, I believe proper jurisdiction is Krome. However it was rejected. What would proper jurisdiction be? BTC? Orlando? Please advise.

Miami.Outreach <Miami.Outreach@ice.dhs.gov>
To: Johan Gutierrez <johgutcad@gmail.com>

Fri, Jul 25, 2025 at 12:41 PM

Good afternoon,

Can you please provide the Alien Registration Number for the subject.

Best regards,

Miami Field Office

Miami Outreach

Enforcement and Removal Operations

U.S. Immigration and Customs Enforcement

From: Johan Gutierrez <johgutcad@gmail.com>
Sent: Monday, July 21, 2025 12:03 PM
To: Miami.Outreach <miami.outreach@ice.dhs.gov>
Subject: Proper filing

You don't often get email from johgutcad@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please use the Cofense Report Phishing button to report. If the button is not present, click [here](#) and follow instructions.

[Quoted text hidden]

Johan Gutierrez <johgutcad@gmail.com>
To: "Miami.Outreach" <Miami.Outreach@ice.dhs.gov>

Fri, Jul 25, 2025 at 12:47 PM

The a # is [REDACTED]. I was supposed to have a hearing at BTC today but the IJ said wrong venue. Thank you.

[Quoted text hidden]

Johan Gutierrez <johgutcad@gmail.com>

Fri, Jul 25, 2025 at 12:49 PM

To: "Miami.Outreach" <Miami.Outreach@ice.dhs.gov>

He was transferred to Alligator Alcatraz is why the IJ declined the venue.

[Quoted text hidden]

EXHIBIT 4



Johan Gutierrez <johgutcad@gmail.com>

Proper venue

1 message

Johan Gutierrez <johgutcad@gmail.com>
To: dutyatty@ice.dhs.gov

Fri, Jul 25, 2025 at 2:05 PM

Good afternoon

I am representing a client that was transferred to Alligator Alcatraz. I am trying to figure out where the proper venue is for filing a for a bond hearing.

A# is [REDACTED]

I have tried contacting the miami and krome duty attorneys but they have been unable to assist me.

Thank you.

Johan Gutierrez Esq.
786-663-5415

EXHIBIT 5



Johan Gutierrez <johgutcad@gmail.com>

Proper Filing Jurisdiction for Alligator Alcatraz

2 messages

Johan Gutierrez <johgutcad@gmail.com>

Mon, Jul 28, 2025 at 2:11 PM

To: "jorge.rodriguez@usdoj.gov" <jorge.rodriguez@usdoj.gov>, florencio.morris@usdoj.gov

Good Afternoon,

I am contacting you to inquire about what the proper filing location is for a detainee at the Alligator Alcatraz location is. My client entered the United States with a visa and has a lawful right to be placed in removal proceedings, however he has been detained for over a week now and no NTA has been filed with any EOIR court. At first my client was at the Pinnelas County Jail, I tried to file a bond request for him, which was no-actioned due to the lack of jurisdiction at Broward Transition Center after he was moved to Alligator Alcatraz.

A# [REDACTED]

Please advise as I would like to resolve this matter expediciosly

Thank you.

Johan Gutierrez, Esq.
Gutierrez Legal PA
786-663-5415
johgutcad@gmail.com

Rodriguez, Jorge (EOIR) <Jorge.Rodriguez@usdoj.gov>

Mon, Jul 28, 2025 at 2:43 PM

To: Johan Gutierrez <johgutcad@gmail.com>, "Morris, Florencio (EOIR)" <Florencio.Morris@usdoj.gov>

Cc: "King, Ashadee C (EOIR)" <Ashadee.C.King@usdoj.gov>

Good afternoon,

To schedule a bond hearing, the respondent must be under a known and established DHS/ERO location such as Krome or BTC. The above site does not fall under either hearing locations, so we are not able to enter and/or schedule a bond at this time.

Please reach out to ERO directly for guidance pertaining to your bond request.

Sincerely,

Jorge Rodriguez

Court Administrator

Miami Immigration Court

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